IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 5566 of 2004

Between:

1 P. Mallikarjuna Rao, S/o. P. Subba Rao,
R/o. Anumalupeta Vetapalem, prakasam District.
2 B. Venkateswarlu S/o. B. Chandramouli,
R/o. (Desaipeta) Vetapalem, Prakasam District.

..... PETITIONERS

AND

1 The Prohibition and Excise Superintendent,

Prakasam District at Ongole.
2 The Prohibition and Excise Inspector, Chirala,

Prakasam District.
3 The District Collector, Prakasam at Ongole.
4 The Solomon Center Grampanchayat, Chirala Mandal,

Prakasam District
rep. by its Panchayat Secretary.
5 The Sarpanch, The Solomon Centre Grampanchayat,
Chirala Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of mandamus or any other appropriate writ or direction declaring the action of the respondents 1 to 3 in directing the petitioners to shift the petitioners Bar and Restaurant from the existing premises as illegal arbitrary and consequently direct the respondent to permit the petitioner to run the business in the existing premises and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.A.JAGANNATHA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR PROHIBITION & EXCISE

The Court made the following:

ORDER:

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The petitioners were granted licence in Form IL 17 to run M/s.Vaishnavi Bar and Restaurant at Salman Centre, Chirala, under the A.P.Indian Liquor & Foreign Liquor Rules, 1970 and the provisions of the A.P.Excise Act, 1968. It appears the Sarpanch, Ward members and general public of Salman Grampanchayat, lodged a compliant, which was published in the newspaper. Therefore, the third respondent by impugned notice advised the petitioners to shift the shop to a suitable place. Assailing which, the present writ petition is filed.

Admittedly, the licence of the petitioners came to end on 31.03.2005. But the same was extended by the Government till 30.06.2005. Therefore, it is not proper to decide the merits of the case especially when the petitioners were not granted renewal licence for the year 2005-2006. The petitioners are permitted to run the shop till 30.06.2005 and thereafter it shall be open to respondent Nos.1 and 2 to take action against the petitioners, if the petitioners still continue the Bar and Restaurant without licence.

The writ petition, with the above observation, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

28.06.2005

vs

To

1 The Prohibition and Excise Superintendent,

Prakasam District at Ongole.
2 The Prohibition and Excise Inspector, Chirala,

Prakasam District.
3 The District Collector, Prakasam at Ongole
4 The Panchayat Secretary, Solomon Center Grampanchayat,

Chirala Mandal, Prakasam District
5 The Sarpanch, The Solomon Center Grampanchayat,
Chirala Mandal, Prakasam District.

6 2 CCs to Government Pleader for Prohibition and Excise,

High Court Buildings, Hyderabad. (OUT)

7 2 CD copies